

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY DOUVOS,

Petitioner,

v.

FRANCISCO J. QUINTANA, et al.,

Respondent.

Civil Action No. 09-159 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on July 1, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 5], entered on the record on July 17, 2009, recommended that Petitioner's Motion for Preliminary Injunction and Expedited Telephone Hearing [Doc. No. 2] be granted in part and denied in part. Specifically, the Magistrate Judge recommended that the Motion for Expedited Telephone Hearing be granted and that the Motion for Preliminary Injunction be denied. The parties were allowed ten (10) days from the date of service to file objections. Objections were filed by Petitioner on July 21, 2009 [Doc. No. 6]. After de novo review of the motion, documents in the case and transcript of the telephonic hearing, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 11th day of August, 2009;

IT IS HEREBY ORDERED that the Petitioner's Motion for Preliminary Injunction and Expedited Telephone Hearing [Doc. No. 2] is GRANTED in part and DENIED in part; the Motion for Expedited Telephone Hearing is GRANTED and the Motion for Preliminary Injunction is DENIED.

The Report and Recommendation [Doc. No. 5] of Magistrate Judge Baxter, entered on the record on July 17, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge